

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS**  
**DIVISION OF ST. THOMAS AND ST. JOHN**

**UNITED STATES OF AMERICA**

**CRIMINAL NO. 2025-5**

**vs.**

**Jose Miguel HODGE**

**Defendant.**

**AFFIDAVIT IN SUPPORT OF**  
**A CRIMINAL COMPLAINT**

I, Daniel Rethlake, Special Agent with Homeland Security Investigations, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. I am a Special Agent with Department of Homeland Security, Homeland Security Investigations (DHS-HSI). As such, I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510(7) in that I am an officer of the United States who is empowered by law to conduct investigations and to make arrests for federal felony offenses. As an HSI Special Agent, my duties include investigating alleged violations of federal laws enforced by Immigration and Customs

Enforcement (ICE), which include, but are not limited to, the investigation and enforcement of Titles 8, 18, 19, 21, 31 and 46 of the United States Code.

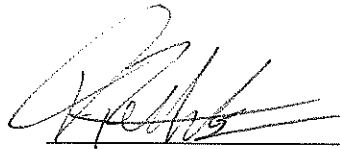
2. I have been employed as a Special Agent with HSI since September 2023. I am a graduate of the Criminal Investigator Training Program and Homeland Security Investigations Special Agent Training Academy. Within this training program, I received training regarding human smuggling across U.S. borders. Prior to my tenure as a Special Agent, I was employed as a Personnel Security Specialist – Counterintelligence with the Defense Counterintelligence and Security Agency. I hold a bachelor's degree from Arizona State University with a major in Global Studies.
3. The statements contained in this Affidavit are based on my personal knowledge as well as information provided to me by other law enforcement officials. All observations not personally made by me were relayed to me by the individuals who made them or were conveyed to me by my review of records, documents and other physical evidence obtained during this investigation.
4. This affidavit contains information necessary to support probable cause for this complaint. This affidavit is not intended to include each, and every fact and matter observed by me or known to the United States Government.
5. This affidavit is made solely for the limited purpose of setting forth probable cause to believe that Jose Miguel HODGE (DOB: [REDACTED]), did knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien, in violation of Title 8, United States Code, § 1324(a)(1)(A)(i).

**PROBABLE CAUSE**

6. On February 7, 2025, Customs and Border Protection (CBP) Air Marine Operations (AMO) encountered Jose Miguel HODGE (hereinafter referred to as HODGE) along with 4 other individuals on a vessel near Annaberg Bay off the North coast of St. John.
7. AMO agents observed a vessel, a dinghy approximately 12 feet in length, heading in South towards the island of St. John from the direction of the British Virgin Islands. AMO agents observed the vessel cross the border between the British Virgin Islands and the U.S. Virgin Islands. The vessel did not have any navigation lights activated, against Coast Guard regulations and despite the low visibility due to the time of night.
8. The vessel continued towards Annaberg Beach, on the North side of St. John. As the vessel approached the beach, AMO agents activated the lights and sirens on their patrol craft. AMO agents observed HODGE seated at the stern of the vessel and operating the vessel's motor. AMO agents ordered "Captain, with your left hand, turn off the motor.", at which time HODGE complied by turning off the motor.
9. AMO agents seized the vessel and detained the 5 occupants. 1 additional subject present nearby on land was also detained. All subjects were transported to St. Thomas, where they were brought to an Enforcement and Removal Operations (ERO) facility.
10. The 4 individuals encountered with HODGE were later determined to be foreign nationals present in the United States without status.

11. Biometric checks were conducted on all 4 noncitizens. The results of these checks confirmed that none of the noncitizens had visas or were otherwise authorized to enter the United States on or about February 7, 2024. The nationalities of the 4 passengers consisted of 3 citizens of Haiti and 1 citizen of St. Kitts. HODGE is a U.S. citizen, born in the U.S. Virgin Islands.
12. HSI Special Agent (SA) D. Rethlake and SA C. Lobdell interviewed 3 of the noncitizens who were passengers on the vessel. All interviewees were offered translating service as needed. All interviewees were read their Miranda Rights. 2 interviewees waived these rights and signed waivers to that effect. 1 interviewee stated she did not wish to answer questions. All interviewees confirmed their citizenships. No interviewee claimed legal status in the United States during interviews or booking and processing procedures.
13. SA Rethlake and SA Lobdell interviewed Eudys SANTANA SANTOS, who was present in the area of the incident in a vehicle on St. John. SANTANA SANTOS was provided with translation services. SANTANA SANTOS was read his Miranda Rights and signed a written waiver. SANTANA SANTOS stated that he had been in contact with an individual matching the description of HODGE in order to coordinate the pickup of an individual on the beach.
14. SA Rethlake and SA Lobdell interviewed HODGE. HODGE was read his Miranda Rights and signed a written waiver. HODGE stated that he had picked up the individuals in Tortola, BVI in his dinghy and was bringing them to St. John. HODGE stated that he had communicated with an individual on the ground in St. John to coordinate a pickup for the individuals he was transporting.
15. Based upon the foregoing and facts concerning this investigation, I respectfully believe that sufficient probable cause exists to show that Jose Miguel HODGE did knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other

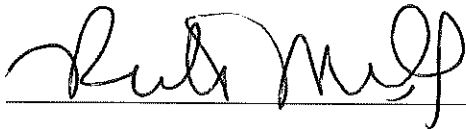
than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien, in violation of Title 8, United States Code, § 1324(a)(1)(A)(i).



Special Agent Daniel Rethlake  
Homeland Security Investigations

Subscribed and sworn to before me this ~~15~~ day of ~~October~~ 2024.

10<sup>th</sup> February



Honorable   
United States Magistrate Judge